

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 5:24-01289 SSS (ADS) Date: December 3, 2024

Title: Jose Alberto Vasquez Macias v. Merrick Garland

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Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

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Kristee Hopkins

Deputy Clerk

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None Reported

Court Reporter / Recorder

Attorney(s) Present for Petitioner(s):  
None Present

Attorney(s) Present for Respondent(s):  
None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE REGARDING  
DISMISSAL**

Pending before the Court is a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (“Petition”) filed by Jose Macias (“Petitioner”), an inmate in custody of the United States Immigration and Customs Enforcement (“ICE”) at Desert View Annex in Adelanto, California. (Dkt. No. 1.) According to the Petition, an Immigration Judge issued an order for Petitioner’s removal, believing Petitioner is a non-United States citizen with aggravated felonies. (*Id.* at 2–3.) Petitioner has appealed the removal order to the Bureau of Immigration Appeals, asserting his United States citizenship. (*Id.* at 2, 5.) In the Petition, Petitioner claims his “continued detention by ICE is unconstitutional” because he is a United States citizen, and he asks the Court to determine his nationality claim or order his release under *Zadvydas v. Davis*. 533 U.S. 678 (2001). (*Id.* at 2–3, 4, 6.)

On September 17, 2024, the Court issued an Order Regarding Screening of Petition because the Petition did not contain information necessary to determine the Court’s jurisdiction over Petitioner’s claims. (Dkt. No. 7.) On October 7, 2024, Petitioner filed a request for an extension of time to file a First Amended Petition in response to the Court’s screening order. (Dkt. Nos. 8, 10.) The Court granted the extension request, and Petitioner was required to file a First Amended Petition by November 7, 2024. (Dkt. No. 11.) As of the date of this Order, Petitioner has not filed a First Amended Petition or otherwise communicated with the Court.

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Petitioner is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed for failure to prosecute and follow court orders **by no later than December 30, 2024**. Petitioner may file a First Amended Petition or a written response to this Order that provides information sufficient to cure the deficiencies described in the Court's screening order (see Dkt. No. 7). If Petitioner no longer wishes to pursue his claims, he may request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). *For Petitioner's convenience, the Clerk of Court is directed to attach a Notice of Dismissal Form (CV-09) and another blank copy of the Section 2241 Petition form (CV-27) to this Order.*

**Petitioner is hereby cautioned that failing to comply with this Order will result in the recommendation that this action be dismissed for failure to prosecute or to obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).**

**IT IS SO ORDERED.**

Initials of Clerk kh